REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Applicant proposes to amend claims 1, 10, 15, 27, 33, and 34, and to cancel dependent claims 2 and 9 without prejudice or disclaimer. Support for the claim amendments is self-evident from the originally filed disclosure, including the original claims, and therefore no new matter is added. Claims 1, 3-8, and 10-34 would be pending in the application.

Applicant respectfully requests that the Examiner enter this Amendment under 37 C.F.R. § 1.116. Applicant submits that the proposed amendments would place the application in condition for allowance, and do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. In the alternative, the proposed amendments at least place the application in better form for appeal.

In the Office Action[1], "the specification is objected to as failing to provide proper antecedent basis" for claims 33 and 34. Office Action at ¶ 2. In particular, the Examiner seems to assert that the specification does not provide support for a computer-readable storage medium, as recited by claims 33 and 34. In the Response to Arguments section of the Office Action, however, the Examiner seems to indicate that the basis for the objection is that claims 33 and 34 do not recite statutory subject matter under 35 U.S.C. § 101, because "a computer program is merely a set of instructions capable of being executed by a computer, [and a] computer program itself" is non-statutory. Office Action at ¶ 30.

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

In response, Applicant submits the objection to the specification is improper at least because, as noted in the Amendment filed December 20, 2007 ("Amendment"), the specification provides adequate support for the claimed computer readable storage medium at, for example, paragraph 35. See Amendment at pages 12-13. Further, Applicant submits than an objection to the specification is not an appropriate means to address claims allegedly drawn to non-statutory subject matter.

Moreover, claims 33 and 34 recite statutory subject matter under 35 U.S.C. § 101 (a manufacture) at least because "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory . . . In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim" (emphasis added). MPEP § 2106.01(I). Specifically, claims 33 and 34, as amended, recite "[a] computer-readable storage medium storing instructions which, when executed by a processor, cause the processor to perform a method . . ."

For at least these reasons, Applicant respectfully requests the withdrawal of the objection to the specification.

In the Office Action, claims 1-34 are rejected as being anticipated by U.S. Patent No. 6,970,127 to Rakib ("Rakib"). It is requested that the rejection of the claims be withdrawn, and that the claims be allowed, for at least the following reasons.

Independent claim 1 recites, among other features, a gateway embedded in the work machine including

> a Web server application configured to perform . . . a Web
> server process that provides a Web page, maintained by the

gateway, to the first off-board system, the Web page
containing information relating to operation of the work
machine gathered by the first on-board module.

At least these features are not disclosed or suggested by Rakib.

Rakib discloses a system including a home gateway 10 interconnecting a variety
of peripherals, such as a remote control 30, a home computer 40, a fax machine 42, a
VCR 38, a network , a TV 34, computer 44, a video camera 46, a telephone 48, and a
modem 13. Rakib, col. 4, ll. 52-55; col. 7, ll. 51-59; and Fig. 1. "The . . . gateway 10 . . .
[receives] commands from the intelligent remote 30 and transmit [sic] appropriate
commands and/or data to the headend cherrypicker to implement the command or
interface functions needed locally satisfy [sic] the command. The gateway 10 also
functions to receive digital data transmitted from the headend 12 and does all necessary
processing and routing to output digital data as packets on local area network 28
addressed to the correct peripheral." Rakib, col. 9, ll. 27-35.

In addition, Rakib teaches "IP digital data from internet server 90 such as web
pages, streaming video etc. can be transmitted in either compressed or uncompressed
format from the settop decoder 80 or cable modem 78 and displayed on optional display
92." Rakib, col. 10, l. 64 - col. 11, l. 1. However, as shown by Figs. 1 and 2 of Rakib,
the internet server 90 is separate from the gateway 10. Thus, Rakib's gateway 10 does
not include "a Web server application configured to perform . . . a Web server process
that provides a Web page, maintained by the gateway, to the first off-board system," as
recited by claim 1. Further, Rakib does not teach that the web pages "contain[]
information relating to operation of the work machine gathered by the first on-board
module," as recited by claim 1. It is therefore requested that the rejection of
independent claim 1 be withdrawn, and that independent claim 1 be allowed.

Amended independent claims 15, 27, 33, and 34, while of different scope than claim 1, recite features similar to those discussed above with respect to independent claim 1. Thus, independent claims 15, 27, 33, and 34 are allowable over Rakib for at least reasons similar to those discussed above in connection with claim 1. It is therefore requested that the rejection of independent claims 15, 27, 33, and 34 be withdrawn, and that independent claims 15, 27, 33, and 34 be allowed.[2]

Remaining claims 3-8, 10-14, 16-26, and 28-32 depend from one of independent claims 1, 15, and 27. Thus, remaining claims 3-8, 10-14, 16-26, and 28-32 are allowable over Rakib for the same reasons as independent claims 1, 15, and 27, as well as for their own features. It is therefore requested that the rejection of claims 3-8, 10-14, 16-26, and 28-32 be withdrawn, and that claims 3-8, 10-14, 16-26, and 28-32 be allowed.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

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2 In addition, Applicant notes that the Office Action did not respond to Applicant's remarks with respect to independent claims 27 and 34 in the Amendment filed December 20, 2007. See Amendment at 17. These remarks note that Rakib fails to disclose or suggest certain features of claims 27 and 34.
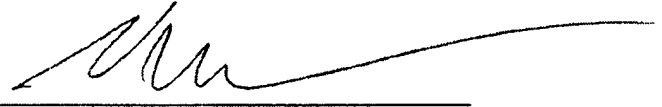
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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Dated: June 30, 2008   By:_____

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